

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE NATIONAL SECURITY LETTER.

Case No. 1:12-mc-0007 (AJT/IDD)

FILED UNDER SEAL
PURSUANT TO THE COURT'S
ORDER OF MARCH 13, 2012

MOTION TO PARTIALLY UNSEAL DOCUMENTS

Petitioner, the Attorney General of the United States of America, moves the Court for an Order partially unsealing the substantive filings in this matter that remain under seal, which are (1) the Attorney General’s Memorandum in Support of the Petition for Judicial Review and Enforcement of a National Security Letter Pursuant to 18 U.S.C. § 3511 (Docket Entry No. 2); and (2) the Court’s Order granting the Petition (Docket Entry No. 15). The government moves the Court to partially unseal those documents by directing the Clerk to place on the public docket the redacted versions of them which are filed herewith and in which sensitive national security and/or law enforcement information has been redacted by the Federal Bureau of Investigation (“FBI”). The grounds for this motion are:

- 1) The Attorney General’s Petition and memorandum in support thereof asked the Court to enforce the nondisclosure obligation of a National Security Letter (“NSL”) issued to and served upon respondent by the FBI as authorized by statute, 18 U.S.C. § 2709. The Attorney General brought his Petition pursuant to 18 U.S.C. § 3511, which provides that “[p]etitions, filings, records, orders, and subpoenas must . . . be kept under seal to the extent and as long as necessary to prevent the unauthorized

disclosure of a request for records, a report, or other information made to any person or entity under section 2709(b)” 18 U.S.C. § 3511(d).

- 2) On March 13, 2012, the Court ordered pursuant to section 3511 that filings in this case, including the Memorandum of Law in Support of Petition for Judicial Review and Enforcement of a National Security Letter Pursuant to 18 U.S.C. § 3511 (Docket Entry No.2), be kept under seal.
- 3) On April 24, 2012, the Court granted the Attorney General’s Petition with a Sealed Order (Docket Entry No. 15).
- 4) In accord with 18 U.S.C. § 3511(d), in the attached public versions of the Memorandum of Law in Support of Petition for Judicial Review and Enforcement of a National Security Letter Pursuant to 18 U.S.C. § 3511 and the Court’s Order granting the Petition, the FBI has redacted sensitive national security and/or law enforcement information that would, if made public, lead to the unauthorized disclosure of factual information concerning the NSL or otherwise may be expected to “result [in] a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person.” *See* 18 U.S.C. § 2709(c)(1). Such redacted, properly sealable, and still-sealed information includes, but is not limited to, the identity of respondent.

Accordingly, petitioner requests that the Court enter an Order granting this motion and placing the attached, redacted versions of the Memorandum of Law in Support of Petition for Judicial Review and Enforcement of a National Security Letter Pursuant to 18 U.S.C. § 3511 and

3

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of June, 2012, a true and correct copy of the above and foregoing **MOTION TO PARTIALLY SEAL** and the proposed Order was filed using the Court's CM/ECF system and served upon all counsel of record in this case.

_____/s/_____
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